

Building Projections – 674 Bay Street, Hospital for Sick Children

Date:	April 6, 2010
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Toronto Centre-Rosedale - Ward 27
Reference Number:	Te10032te.row

SUMMARY

This staff report is regarding a matter which the Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed an application from the agent of the owners of 674 Bay Street, The Hospital for Sick Children, to construct and maintain a series of building projections that will encroach along a portion of the Bay Street frontage. The encroaching building projections will have no habitable space.

As the construction and maintenance of the building projections do not impact negatively on the public right of way, Transportation Services recommends approval of the encroachment.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. approve the construction and maintenance of the building projections fronting Bay Street, subject to The Hospital for Sick Children entering into an encroachment agreement with the City of Toronto, agreeing to but not limited to the following:
 - a. indemnify the City from and against all actions, suits, claims or demands and from loss, costs, damages and expenses that may result from such

permission granted and providing an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the Deputy City Manager and Chief Financial Officer and in an amount not less than \$5,000,000 or such greater amount as the Deputy City Manager and Chief Financial Officer may require;

- b. maintain the building projections at their own expense in good repair and a condition satisfactory to the General Manager of Transportation Services and will not make any additions or modifications to the encroachment beyond what is allowed under the terms of the Agreement;
 - c. provide an engineering consultant's report satisfactory to the General Manager of Transportation Services which will ensure that the accumulation of snow and ice on the building projections extending within the public right of way has been minimized;
 - d. pay the Net Upfront Payment Fee for the Lifetime of the Structure of \$65,000.00 as per the land appraisal by Real Estate Services;
 - e. pay for the costs of preparing the Agreement and the registration of the Agreement on title; and
 - f. accept such additional conditions as the City Solicitor or the General Manager of Transportation Services may deem necessary in the interest of the City;
- 2. in the event of sale or transfer of the property abutting the encroachment, Legal Services and/or the General Manager of Transportation Services be authorized to extend the Encroachment agreement to the new owner, subject to the approval of the General Manager of Transportation Services; and
 - 3. request Legal Services to prepare and execute the Encroachment Agreement.

Financial Impact

There is no financial impact to the City as a result of this report.

ISSUE BACKGROUND

The agent of the owners of 674 Bay Street submitted an application requesting permission to construct and maintain a series of building projections that will encroach within the public right of way along the Bay Street frontage.

The Hospital for Sick Children have requested the construction and maintenance of the encroaching building projections as they are a centrepiece architectural feature of the new research and education building that is to be constructed.

The proposed building encroachments will be situated on the east face of the research and education building at 674 Bay Street and will extend a maximum of approximately 2.0 m into the public right of way of Bay Street, commencing from the second floor, approximately 5.2 m above sidewalk level, and will extend intermittently approximately 94.5 m upwards thereof. The second floor projection will be set back 3.2 m from the Bay Street curb.

Having regard that the building encroachment will extend over a portion of the City sidewalk along Bay Street and there is a potential for snow and ice accumulation on the building encroachment, prior to the issuance of a construction permit authorizing the work within the public right of way, the applicant on behalf of The Hospital for Sick Children has been requested to provide a snow and ice accumulation report detailing the design aspects that have been included to mitigate the falling of snow and ice. Additionally, at the request of Transportation Services, the Hospital for Sick Children have altered their original design to ensure there is no habitable space within the encroaching building projections.

The proposed occupied land area will be approximately 44.32 m². Real Estate Services has provided an estimate of Market Value for the occupied land. The Hospital for Sick Children has agreed to pay a Net Upfront Payment Fee for the Lifetime of the Structure of \$65,000.00

Although the building projections will encroach within the public right of way over the sidewalk along Bay Street, given that they will meet the overall height clearance requirements, will feature no habitable space, and The Hospital for Sick Children will provide a falling snow and ice report and be responsible for to ensure there is no accumulation of snow and ice on the projections, Transportation Services has determined that the building projections will not impact negatively on the public right of way and recommends approval. The property owner will be required to enter into an encroachment agreement for the ongoing maintenance of the building projections with the City to be registered on title of the property.

COMMENTS

Applicable Regulation

The former City of Toronto Municipal Code does not make provisions for this type of encroachment, thereby requiring Transportation Services to report on this matter.

Reasons for Approval

Transportation Services has reviewed the application and determined that the construction and maintenance of the building projections will not impact negatively on the public right of way.

Details of the encroachment are on file with Transportation Services.

Conceptual photos of the building wall and current photos of the area are shown in Appendix “A”.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix “A” – Photos of proposed building projections and area of construction

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